

**Prohibition Against Denying Meals and Milk to
Children as a Disciplinary Action**

Purpose:

This instruction sets forth the policy to prohibit the denial of meals and milk as a disciplinary action against any child who is enrolled in a school participating in Child Nutrition Programs. Such denial of meals or milk is inconsistent with Sections 2 and 9 of the National School Lunch Act and Sections 2, 3, and 4 of the Child Nutrition Act of 1966.

Scope:

Sponsors participating in the National School Lunch Program (NSLP), School Breakfast Program (SBP), and/or Special Milk Program (SMP).

Definitions:

Indirect disciplinary action is where the loss of meals or milk is allowable (e.g., a student is suspended from school). Direct disciplinary action which results in the loss of meals or milk is inconsistent with the law and is not allowable (e.g., a student is suspended from school during the meal or milk period only).

Description:

State Agencies or Regional Offices shall:

1. Notify all School Food Authorities that denying a meal or milk to an eligible child as a disciplinary measure are contrary to the National School Lunch Act and the Child Nutrition Act of 1966.
2. Follow through as necessary with the appropriate School Food Authority to correct and prevent recurrence of any reported disciplinary action instances which directly results in denial of a paid, free, or reduced price meal or free or paid milk.

School Food Authorities shall:

1. When considering a disciplinary action against any child, ensure that such action is consistent with the policy contained herein.
2. Make a reimbursable meal or milk available to any child attending school who for disciplinary reasons is not allowed to eat in the cafeteria.

SOURCE: FNS INSTRUCTION 791-I, REV. 1, DATED JULY 12, 1988, UNITED STATES DEPARTMENT OF AGRICULTURE, FOOD AND NUTRITION SERVICE.